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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,530	01/14/2005	Uwe Hendrich	PC10449US	8766

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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/521,530

Applicant(s)

HENDRICH ET AL.

Examiner

Melody M. Burch

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3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-20 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I in the reply filed on 9/27/06 is acknowledged.
2. Claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/27/06.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the use of the legal term "said" including but not limited to line 5 of pg. 10 should be deleted from the body of the specification.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 12 and 16-18 are objected to because of the following informalities: the phrase "the fixing clamp" in line 2 of claim 12 should be changed to --the at least one fixing clamp-- to maintain consistency and the phrase "the radial brake pad" in claim 16 should be changed to provide proper antecedent basis. Appropriate correction is required. The remaining claims are objected to due to their dependency from one of claims 12 and 16.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11, 12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6478122 to Demoise Jr. et al.

Re: claim 11. Demoise Jr. et al. show in figures 2 and 3 a brake holder of a floating caliper disc brake with axially extending holder arms at which associated brake pads arranged on either side of a brake disc and mountable radially in the brake holder displaceably mounted comprising at least one brake pad guide spring 60 arranged between the brake holder and the brake pads, wherein the brake pad guide spring is mountable on the brake holder in a generally radial direction and locked at the brake holder in both radial by way of 80 and 80' and axial directions by way of 68 by means of at least one fixing clamp wherein at least one spring arm 76 is designed at the brake pad guide spring and fixes at least one brake pad 44 under spring bias in position on the brake holder in a clearance free manner in the area around the lead line of 36.

Re: claim 12. Demoise shows the fixing clamp 68, for example, being locked at a radial undercut or indentation shown in the area of element 30.

Re: claims 14 and 19. Demoise shows the limitation wherein the spring arm includes a first portion shown in the area of 80<sup>N</sup> forming a radial stop for the mounted brake pad. Examiner notes that the slope is particularly shown in the area of the lead line of 80<sup>N</sup>.

Re: claim 15. Demoise shows the limitation wherein the locked brake pad guide spring bears in a clearance free manner at least against guiding surfaces shown in the

area of the lead line of 36 provided for the displaceable arrangement of the brake pads on the brake holder.

Re: claims 16-18. Demoise shows the limitation wherein a mounting ramp 80<sup>N</sup> is provided at the spring arm for the radial brake pad assembly.

Re: claim 20. Demoise shows the limitation wherein the biasing force on the spring arm is variable in dependence on the axial position of the brake pad at the slope when the brake pad is mounted. Examiner notes that less biasing force is achieved if the pad is mounted on an area below the lead line of 80<sup>N</sup> as opposed to above the lead line of 80<sup>N</sup>.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 6378666 to Yoko, 6527090 to Barillot et al., 5699882 to Ikegami et al., 5125482 to Negishi and Japanese patent JP-5857528 teach the use of brake holder and clip arrangements which include both radial and axial clamping means.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

October 11, 2006

*Melody M. Burch*  
**Melody M. Burch**  
**Primary Examiner**  
**Art Unit 3683**

10/10/06